

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CASEY G. RYGH,

Petitioner/Movant,

v.

CIVIL ACTION NO. 2:04-0291

THOMAS MCBRIDE,


Respondent.

MEMORANDUM OPINION AND ORDER

Pending is the petitioner's motion for a certificate of appealability. Pursuant to 28 U.S.C. § 2253(c) and Rule 22(b), *Federal Rules of Appellate Procedure*, the court **FINDS** that the petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, the court **DENIES** petitioner's request.

The court **DIRECTS** the Clerk to send a copy of this Written Opinion and Order to counsel of record and any unrepresented party.

ENTER: May 13, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE